

B-10 (Official Form 10)

United States Bankruptcy Court District of Hawaii		FIRST AMENDED PROOF OF CLAIM Chapter 11									
In re (Name of Debtor) Hawaiian Airlines, Inc.		Case Number 03-00817									
NOTE: This Form should not be used to make a claim for an administrative expense arising after commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.											
Name of Creditor (The person or other entity to whom the debtor owes money or property) U. S. Department of Homeland Security		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input checked="" type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.									
Name and Address Where Notices Should be Sent U. S. Department of Homeland Security Office of the Principal Legal Advisor 70 Kimball Avenue - Room 139 South Burlington, VT 05403 - 6813 Attn: William C. Harlow, Assoc. Gen. Coun. Telephone: (802) 288-7688 Facsimile: (802) 288-7645		FILED - 00414 U S B C -DISTRICT OF HAWAII HAWAIIAN AIRLINES, INC 03-00817 (RJF)									
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR Taxpayer ID Number 99-0042880		THIS SPACE IS FOR COURT USE ONLY									
Check here if this claim <input type="checkbox"/> REPLACES or <input type="checkbox"/> AMENDS a previous filed claim dated _____											
1 BASIS FOR CLAIM <input type="checkbox"/> Goods Sold <input checked="" type="checkbox"/> Services Performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other (Describe briefly) Civil Penalties under 8 USC §1221, §1223 and §1323 Passenger User Fees pursuant to 8 U.S.C. §1356(d), plus interest <input type="checkbox"/> Retiree Benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, or compensation (Fill out below) Your social security number _____ Unpaid compensation for services performed From _____ to _____ (date) (date)											
2 DATE DEBT WAS INCURRED Various Pre-Petition Please See Attachments C and D		3 IF COURT JUDGMENT, DATE OBTAINED									
4 CLASSIFICATION OF CLAIM Under the Bankruptcy Code all claims are classified as one or more of the following: (1) Unsecured nonpriority, (2) Unsecured Priority, (3) Secured. It is possible for part of a claim to be in one category and part in another. CHECK THE APPROPRIATE BOX OR BOXES that best describe your claim and STATE THE AMOUNT AT THE TIME CASE FILED. PLEASE SEE STATEMENT LABELED ATTACHMENT A.											
<input type="checkbox"/> SECURED CLAIM \$ _____ Attach evidence of perfection of security interest. Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly) _____ Amount of arrearage and other charges at time case filed Included in secured claim above, if any \$ _____		<input type="checkbox"/> UNSECURED PRIORITY CLAIM \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commission (up to \$2000), earned not more than 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$900 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Taxes or penalties of governmental units - 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) _____									
<input checked="" type="checkbox"/> UNSECURED NONPRIORITY CLAIM \$ 21,758.80 A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim or to the extent that the value of such property is less than the amount of the claim.											
5 TOTAL AMOUNT OF CLAIM AT TIME CASE FILED <table style="width: 100%;"> <tr> <td style="text-align: center;">\$ 21,758.80</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">*\$ 70,118.80</td> </tr> <tr> <td style="text-align: center;">(Unsecured)</td> <td style="text-align: center;">(Secured)</td> <td style="text-align: center;">(Priority)</td> <td style="text-align: center;">(Total)</td> </tr> </table> * Passenger User Fees held in Trust by debtor (See Attachment A) \$48,360.00. Amount subject to Audit which may reveal additional obligations as records are in custody of debtor. <input checked="" type="checkbox"/> Check this box if claim includes charges in addition to the principal amount of the claim. Attach itemized statement of additional charges.				\$ 21,758.80	\$ _____	\$ _____	*\$ 70,118.80	(Unsecured)	(Secured)	(Priority)	(Total)
\$ 21,758.80	\$ _____	\$ _____	*\$ 70,118.80								
(Unsecured)	(Secured)	(Priority)	(Total)								
6 CREDITS AND SETOFFS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor. SEE ATTACHMENT B FOR RESERVATION OF SET-OFF RIGHTS AND CLAIM AMENDMENTS.		THIS SPACE IS FOR COURT USE ONLY									
7 SUPPORTING DOCUMENTS Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary. A SUMMARY OF THE CLAIM (C) IS ATTACHED, AS WELL AS A STATEMENT OF THE USER FEE ACCOUNT (D).		2003 DEC 15 PM 12:41 U.S. BANKRUPTCY COURT DISTRICT OF HAWAII FILED									
8 TIME-STAMPED COPY To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.											
Date 12-11-03	Sign and print the name and title of any, of the creditor or other person authorized to file this claim (attach powers of attorney, if any) Becky Greenwood FOR Lois A. Jarvis, Supervisory Debt Management Officer										

ORIGINAL

Passenger processing fees collected pursuant to 8 U.S.C. §1356(d) are property of the United States held in trust by the debtor and are not property of the debtor's estate under 11 U.S.C. §541. To the extent that the court finds that the passenger user fees are not held in trust and, therefore, are property of the estate, the United States Immigration and Naturalization Service holds an unsecured claim against the estate in the amount of any unpaid Immigration passenger user fee.

ATTACHMENT A

This claim reflects the known liability of the debtor to this agency of the United States. The United States reserves the right to amend this claim to assert subsequently discovered liabilities. This agency holds subject to set-off against this claim a debt owed to the debtor of unknown amount. The identification of any sums held subject to set-off is without prejudice to any other right under 11 U.S.C. §553 to set-off, against this claim, debts owed to debtors by this or any other federal agency.

ATTACHMENT B

In re: Hawaiian Airlines, Inc , Case No 03-00817 (D Hawaii)
Attachment B - Summary of First Amended Proof of Claim
Department of Homeland Security
Formerly U.S Immigration and Naturalization Service

Bill Number	Fine Number	Original Prin	Balance Due*	Invoice Date	Violation Date
DMT022245	TWV022245	\$500 00	\$606 40	20020814	20020309
DMT022310	TWV022321	\$500 00	\$606 40	20020814	20020319
DMT022435	TWV022446	\$500 00	\$591 85	20020920	20020416
DMT022436	TWV022447	\$500 00	\$591 85	20020920	20020416
DMT022437	TWV022448	\$500 00	\$591 85	20020920	20020416
DMT022438	TWV022449	\$500 00	\$591 85	20020920	20020416
DMT022439	TWV022450	\$500 00	\$591 85	20020920	20020416
DMT030480	TWV030480	\$500 00	\$529 90	20030117	20020802
DMT030803	TWV030805	\$500 00	\$511 70	20030212	20021015
DMT031015	TWV031017	\$500 00	\$505 85	20030319	20021116
DMT031360	TWV031362	\$500 00	\$500 00	20030606	20021214
DMT031442	TWV031444	\$500 00	\$500 00	20030609	20021228
NFB300887	HHW020100	\$3,300 00	\$3,463 10	20021114	20020725
NFB302440	HHW030012	\$1,000 00	\$1,018 40	20030219	20020605
NFB302441	HHW030013	\$1,000 00	\$1,018 40	20030219	20020605
NFB302442	HHW030014	\$1,000 00	\$1,018 40	20030219	20020605
NFB302443	HHW030015	\$1,000 00	\$1,018 40	20030219	20020605
NFB302444	HHW030016	\$1,000 00	\$1,018 40	20030219	20020605
NFB303003	HHW030030	\$1,000 00	\$1,009 20	20030326	20020930
NFB303762	HHW030034	\$2,475 00	\$2,475 00	20030508	20030119
NFB304332	HHW030045	\$1,000 00	\$1,000 00	20030603	20021118
NFB304457	HHW030047	\$1,000 00	\$1,000 00	20030610	20021122
NFB304533	HHW030048	\$1,000 00	\$1,000 00	20030618	20030112
	Totals	\$20,775 00	\$21,758.80		

*Calculations include interest and penalties incurred before the March 21, 2003 filing date

ATTACHMENT C

UNITED STATES DEPARTMENT OF JUSTICE
 IMMIGRATION AND NATURALIZATION SERVICE
 DEBT MANAGEMENT CENTER
 P.O. BOX 5000
 WILLISTON, VT
 05495-5000

BILL TO

Hawaiian Airlines
 P O Box 29906
 Honolulu, HI 96820-2306

Tax ID 99-0042880

Pay to Immigration and Naturalization Service, Box 93963, Chicago, IL 60673-3963

Hawaiian Airlines
 IUF Liability Calculation

QUARTER	IUF DUE	AMOUNT PAID	AMOUNT DUE
Jan-Mar 2002	\$ 46,448	\$ 45,606	\$ 842
Aprl 2002	\$ 19,261	\$ 18,924	\$ 337
May-Jun 2002	\$ 52,777	\$ 51,849	\$ 928
Jul-Aug 2002	\$ 64,945	\$ 63,819	\$ 1,126
Sep 2002	\$ 21,762	\$ 21,385	\$ 377
Oct-Dec 2003	\$ 66,583	\$ 65,422	\$ 1,161
Jan-Mar 2003	\$ 51,590	\$ 8,001	\$ 43,589
 Total IUF Due	 \$ 323,368	 \$ 275,006	 \$ 48,360
 Grand Total Due			 \$ 48,360

FILED - 01003
U.S. BANKRUPTCY COURT
DISTRICT OF HAWAII
HAWAIIAN AIRLINES, INC.
03-00817 (RJF)

UNITED STATES BANKRUPTCY COURT

DISTRICT OF HAWAII

FILE
U.S. BANKRUPTCY COURT
DISTRICT OF HAWAII

2005 JUN 30 PM 12:00

In re:

HAWAIIAN AIRLINES, INC.

Debtor



Case No. 03-00817
Chapter 11
HON. ROBERT J. FARIS

**REQUEST FOR PAYMENT OF CHAPTER 11 ADMINISTRATIVE CLAIM
OF THE U.S. DEPARTMENT OF HOMELAND SECURITY,
TRANSPORTATION SECURITY ADMINISTRATION**

Pursuant to 11 U.S.C. § 503(a), the United States of America, on behalf of the Transportation Security Administration ("TSA"), hereby files this Request for Payment of Chapter 11 Administrative Claim in the amount of \$279,000.00. In support of its claim, TSA states as follows.

1. Hawaiian Airlines, Inc. ("Debtor") filed a bankruptcy petitions under Chapter 11 of the United States Bankruptcy Code on March 21, 2003.

2. As an aircraft operator, Debtor operates in a highly regulated industry and must comply with Chapter 449 of Title 49 of the United States Code, 49 U.S.C. ch. 449 et seq., and the Transportation Security Regulations ("TSR"), 49 C.F.R. pt. 1500 et seq., promulgated pursuant to that statute.

3. In the conduct of its operations, Debtor, from time to time, incurs civil penalties for various violations of the TSR

4. A summary of the cases proposing a civil penalty incurred by Debtor on or after March 21, 2003, and which remain open as of June 29, 2005 is attached, and totals \$279,000.00. See Attachment A. Because the TSR restricts the release of Sensitive Security Information ("SSI") to those with a "need-to-know," the attachment contains all releasable information regarding these claims that is consistent with the SSI regulatory requirements. See 49 C.F.R. pt. 1520. Additional information regarding these claims has been or will be provided to Debtor, pursuant to the SSI regulations.

5. This claim, in the total amount of \$279,000.00, is an administrative expense pursuant to 11 U.S.C. § 503(b), and is entitled to priority payment under 11 U.S.C. § 507(a).

6. TSA presently holds no known funds subject to setoff against this claim. TSA, however, reserves the right under 11 U.S.C. § 553, to setoff against this claim any debt owed to Debtor by TSA or any other federal agency that may be later identified.

7. This claim reflects the known liability of Debtor to TSA for civil penalties arising as a result of violations of the TSR. TSA reserves the right to amend this claim to assert subsequently discovered liabilities.

8. The filing of this claim is not to be construed as a waiver of the rights of TSA, the United States, or any agency or instrumentality thereof, to follow any property, or the proceeds thereof, into the hands of whomever the same may be, including the receiver or trustee in bankruptcy, or as a waiver of any other claim or right of action or setoff, or any other right

whatsoever that the United States, or any agency or instrumentality thereof, has or may have against Debtor, the receiver, the trustee, or any other person or entity.

Respectfully submitted,



Robert G. Seasonwein
Acting Deputy Chief Counsel for Enforcement
Office of Chief Counsel
Transportation Security Administration
U.S. Department of Homeland Security
601 S. 12th Street (TSA-2)
Arlington, VA 22202-4220
571-227-2542 (Office)
571-227-1378 (Fax)
Robert.Seasonwein@dhs.gov

Dated. June 29, 2005

CERTIFICATE OF SERVICE


I hereby certify under penalty of perjury that on this 29th day of June, 2005, I caused to be served by Federal Express, postage-prepaid, one copy of the foregoing "REQUEST FOR PAYMENT OF CHAPTER 11 ADMINISTRATIVE CLAIM OF THE U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION," to each of the following parties:

Tom E. Roesser
Katherine G. Leonard
Carlsmith Ball LLP
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, HI 96813
Tel: (808) 523-2500

Bruce Bennett
Sidney P. Levinson
John L. Jones, II
Hennigan, Bennett & Dorman LLP
601 South Figueroa Street, Suite 3300
Los Angeles, CA 90017
Tel. (213) 694-1200

Simon Klevansky
Gelber, Gelber, Ingersoll & Klevansky
Topa Financial Center, Suite 1400
745 Fort Street
Honolulu, HI 968013-3823
Tel: (808) 524-0155

Jeffrey Krause
Michael Goldstein
Stutman, Treister & Glatt PC
1901 Avenue of the Stars, Suite 1200
Los Angeles, CA 90067
Tel: (310) 228-560


Robert G. Seasonwein
Acting Deputy Chief Counsel for
Enforcement


ATTACHMENT A – Summary of TSA Civil Penalty Cases*

HAWAIIAN AIRLINES, CASE NO.	DATE OF VIOLATION	DESCRIPTION OF VIOLATION	RECOMMENDED OR PROPOSED CIVIL PENALTY
2004SFO0024	2/8/2004	Weapon carriage violation.	\$18,000
2004[REDACTED]0364**	7/4/2004	[REDACTED]**	\$22,000
2004[REDACTED]0462**	8/26/2004	[REDACTED]**	\$75,000
2005[REDACTED]0004**	9/25/2004	[REDACTED]**	\$9,000
2005[REDACTED]0412**	12/28/2004	[REDACTED]**	\$18,000
2005[REDACTED]0108**	1/23/2005	[REDACTED]**	\$18,000
2005[REDACTED]0116**	2/2/2005	[REDACTED]**	\$25,000
2005[REDACTED]0857**	6/5/2005	[REDACTED]**	\$11,000
2005[REDACTED]0876**	5/26/2005	[REDACTED]**	\$9,000
2005[REDACTED]0205**	6/9/2005	[REDACTED]**	\$18,000
2003SEA0015	8/15/2003	Checked baggage screening violation	\$25,000
2005[REDACTED]0388**	12/22/2004	[REDACTED]**	\$31,000

*Documentation supporting these penalties is voluminous and therefore is not attached; such documentation will be made available upon request. Debtor has received notice for some of the claims listed in this attachment, and will receive notice of all listed claims as soon as the investigative and review processes are completed.

**For public viewing and docketing purposes, this attachment contains only information that is not prohibited from public release under the Sensitive Security Information (SSI) regulations, 49 C.F.R. pt. 1520, and therefore only releasable information is provided herein. Additional information regarding these claims has been or will be provided to Debtor, and will later be released pursuant to the requirements of 49 C.F.R. pt. 1520

FORM B10 (Official Form 10) (4/01)

United States Bankruptcy Court District of Hawaii		<input type="checkbox"/> Ch 7 <input type="checkbox"/> Ch 13 <input checked="" type="checkbox"/> Ch 11 PLEASE CHECK CHAPTER
Name of Debtor HAWAIIAN AIRLINES, INC		Case Number 03-00817
		PROOF OF CLAIM AMENDED
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		FILED - 00152 U.S. B.C. - DISTRICT OF HAWAII HAWAIIAN AIRLINES, INC 03-00817 (RJF) 03 SEP 16 2003 U.S. BANKRUPTCY COURT DISTRICT OF HAWAII
Name of Creditor (The person or other entity to whom the debtor owes money or property) U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION (FAA)	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	Creditor # 16 THIS SPACE IS FOR COURT USE ONLY
Name and Address Where Notices Should be Sent MONROE P. BALTON, AWP-7 FAA, OFFICE OF REGIONAL COUNSEL P.O. BOX 92007 LOS ANGELES, CA 90009-2007 Telephone No. (310) 725-7101	<input checked="" type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Account or other number by which creditor identifies debtor	Check here if this claim <input type="checkbox"/> amends <input type="checkbox"/> replaces a previously filed claim dated 03-09-50	
1 BASIS FOR CLAIM <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death Your social security number _____ <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other <u>Federal Penalties</u> Unpaid compensation for services performed _____ <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114 (a) from _____ to _____ (date) (date)		
2 DATE DEBT WAS INCURRED SEE ATTACHED DOCUMENT		3 IF COURT JUDGMENT, DATE OBTAINED
4 Total Amount of Claim at Time Case Filed \$ <u>117,248.00</u> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
5 Secured claim <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other _____ Value of collateral \$ _____ Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ _____		6 Unsecured Priority Claim <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650), *earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier-11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other—Specify applicable paragraph of 11 U.S.C. § 507(a) _____ *Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
7 CREDITS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 8 SUPPORTING DOCUMENTS Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. ANY ATTACHMENT MUST BE 8-1/2" BY 11". 9 DATE-STAMPED COPY To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and an additional copy of this proof of claim.		THIS SPACE IS FOR COURT USE ONLY 
Date 9/11/2003	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney if any). MONROE P. BALTON, REGIONAL COUNSEL	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both 18 U.S.C. §§ 152 and 3571		

ORIGINAL

In Re Hawaiian Airlines, Inc
 In the United States Bankruptcy Court
 For the District of Hawaii
 Case No 03-00817

SUMMARY OF PRE-PETITION FINES
 DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION

Hawaiian Airlines Case No.	Violation date/ Case Type	Status/FAA Attorney	Civil Penalty Amount /Regulations cited
2000WP760216	6/29/00/Security	Notice of Proposed Civil Penalty issued 6/10/02	\$20,000 00 14 CFR 108 5(a)(1)
2000WP760240	7/30/00/Security	Notice of Proposed Civil Penalty issued 7/25/02	\$7,500 00 14 CFR 108 5(a)(1)
2001WP710462	8/28/01/Security	Amended Notice of Proposed Civil Penalty issued 7/23/03	\$11,000 00 14 CFR 108 5(a)(1)
2001WP760012	11/6/00/Security	Notice of Proposed Civil Penalty issued 10/28/02	\$11,000 00 14 CFR 108 5(a)(1)
2001WP760097	2/26/01/Security	Notice of Proposed Civil Penalty issued 2/10/03	\$11,000 00 14 CFR 108 5(a)(1)
2001WP760112	3/12/01/Security	Notice of Proposed Civil Penalty issued 2/10/03	\$7,499 00 14 CFR 108 5(a)(1)
2001WP760130	4/15/01/Security	Not initiated 2150-5 Attached	\$11,000 Proposed by RO 14 CFR 108 5(a)(1)
2001WP760160	5/2/01/Security	Notice of Proposed Civil Penalty issued 4/18/03	\$8,249 00 14 CFR 108 5(a)(1) and 14 CFR 108 9(c)
2001WP760165	5/16/01/Security	Notice of Proposed Civil Penalty issued 4/18/03	\$11,000 00 14 CFR 108 5(a)(1) and 14 CFR 108 9(d)
2001WP760178	5/29/01/Security	Notice of Proposed Civil Penalty issued 4/18/03	\$4,000 00 14 CFR 108 5(a)(1) and 14 CFR 108 9

In Re Hawaiian Airlines, Inc
 In the United States Bankruptcy Court
 For the District of Hawaii
 Case No 03-00817

SUMMARY OF PRE-PETITION FINES
 DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION

2001WP760185	6/8/01/Security	Notice of Proposed Civil Penalty issued 5/30/03	\$4,000 00 14 CFR 108 5(a)(1) and 14 CFR 108 9(a)
2001WP760200	6/20/01/Security	Notice of Proposed Civil Penalty issued 6/5/03	\$11,000 00 14 CFR 108 5(a)(1)
END 12 (cases)			Total: \$117,248.00

Certificate of Service

I hereby certify that the attached document, the Chapter Eleven Amended Prepetition Claim of The Department of Transportation, Federal Aviation Administration, in re Hawaiian Airlines, Case No 03-00817, has been sent by certified mail this day, addressed as follows

Mark Van Allsburg, Clerk of the Bankruptcy Court
U S Bankruptcy Court, District of Hawaii
1132 Bishop Street, Suite 250L
Honolulu, HI 96813

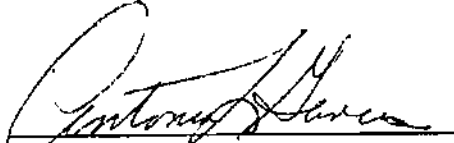
I further certify that a true copy of the above has been sent by certified mail this day, addressed as follows

Hawaiian Airlines, Inc
c/o The Garden City Group, Inc
PO Box 9000 #6091
Merrick, NY 11566-9000

I further certify that a true copy of the above has been sent by regular mail this day, addressed as follows

Ruth A Harvey, Sr Trial Counsel
Commercial Litigation Branch
Department of Justice Civil Division
PO BOX 875
Ben Franklin Station
Washington, DC 20044

Dated September 11, 2003

A handwritten signature in black ink, appearing to read "Antonia Garcia", is written over a horizontal line.

Antonia Garcia
Paralegal Specialist
Office of the Regional Counsel
Federal Aviation Administration
Western-Pacific Region

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF HAWAII**

In Re:

HAWAIIAN AIRLINES, INC

Debtor

Case No. 03-00817

Chapter 11

Hon. Robert J. Faris

**CHAPTER ELEVEN AMENDED PREPETITION
CLAIM OF THE DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

1 Hawaiian Airlines, Inc ("Debtor") filed a bankruptcy petition under Chapter 11 of the Bankruptcy Code on March 21, 2003

2 As an air carrier, the Debtor operates in a highly regulated industry and must comply with 49 U S C § 40101 et seq , and the Federal Aviation Regulations (FARs) promulgated pursuant to that statute

3 In the conduct of its operations Debtor, from time to time, incurs civil penalties for various violations of the above regulations

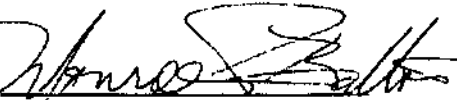
4 A summary of fines incurred by Debtor before March 21, 2003 which remain open as of August, 2003, is attached and totals \$117,248 00

5 This claim in the total amount of \$117,248 00 is a prepetition claim pursuant to 11 U S C § 501

6 The United States reserves the right under 11 U S C §553, to setoff against this claim, any debt owed to Debtor by any federal agency The filing of this claim is not to be construed as a waiver of the rights of the United States, or any agency or instrumentality thereof, to follow any property, or the proceeds thereof, into the hands of whomever the same may be, including the receiver or trustee in bankruptcy, or as a waiver of any other claim or right of action or setoff, or any other right whatsoever that the United States or any agency or

instrumentality thereof has or may have against the bankrupt, the receiver, the trustee, or any person or entity

7 The prepetition claim herein replaces and supersedes the claim filed by the U S Department of Transportation, Federal Aviation Administration on or about September 4, 2003

By 
MONROE P. BALTON,
Regional Counsel
Department of Transportation
Federal Aviation Administration
P O Box 92007, Room 6007
Los Angeles, CA 90009
(310) 725-7100

Dated September 11, 2003

ORIGINAL

Attachment A

On March 1, 2003, the entire United States Customs Service ("Customs") as a governmental organization was transferred to the Department of Homeland Security. On said date, the inspection functions and many other functions of the United States Customs Service became the responsibility of the U.S. Customs and Border Protection ("CBP"). Similarly, the CBP also assumed many functions of the United States Immigration and Naturalization Service, Department of Agriculture (Plant and Pest Quarantine), and Border Patrol. Due to ongoing reorganization efforts, each former agency will continue to independently file proofs of claim. The separate proofs of claim will set out the claims owed by the debtor to each former agency. As a result, a debtor could get as many as four separate proofs of claim from the CBP. To determine which agency has filed a particular claim, debtor simply needs to look to the "Name of Creditor." The agency filing the claim will be listed after CBP, e.g. U.S. Customs and Border Protection fka U.S. Customs Service or U.S. Customs and Border Protection - U.S. Customs Service. Subsequent amended claims will be filed in the same manner. For purposes of providing adequate notice, debtor should continue to provide notice to each of the former agencies.

Attachment B

Passenger processing fees collected pursuant to 19 U.S.C. § 58c(d) are property of the United States held in trust by the debtor and are not property of the debtor's estate under 11 U.S.C. § 541. To the extent that the court finds that the passenger fees are not held in trust and, therefore, are property of the estate, Customs holds an unsecured claim against the estate in the amount of any unpaid Customs passenger user fees.

Attachment C

This claim reflects the known liability of the debtor to this agency of the United States. The United States reserves the right to amend this claim to assert subsequently discovered liabilities. This agency holds subject to setoff against this claim a debt owed to the debtor of \$40,245.31. The identification of any sums held subject to setoff is without prejudice to any other right under 11 U.S.C. § 553 to set off, against this claim, debts owed to debtors by this or any other federal agency.

Hawaiian Airlines, Inc

REFUNDS

Entry Number	Entry Date	Liquidation Date	Port	Amount
UI4-91400039	May 28, 2003 *	June 13, 2003	New York, NY	\$40,245.31

* The refund is pre-petition due to the underlying imported entries that were entered prior to the bankruptcy date of March 21, 2003

SUMMARY SHEET - PROOF OF CLAIM

U S BANKRUPTCY COURT _____ DISTRICT OF _____ Hawaii

Debtor _____ Hawaiian Airlines, Inc _____ Case No _____ 03-00817 _____

The claim(s) for this debtor consist of

SECURED

AMOUNT

Drawback duty bill	\$2,711 54
Passenger Processing Fees	
Interest on Passenger Fees Held in Trust	\$72 17
Fines & Penalties	
other Estimated Liquidated Damages	\$21,988 00
TOTAL	\$24,771 71

UNSECURED NON-PRIORITY

Interest on Passenger Fees Held in Trust	
Debit Vouchers	
Estimated Liquidated Damages	
Fines & Penalties	
other	
TOTAL	\$0 00

PRIORITY

Supplemental duty bills	
Inspectional charges	
Debit Vouchers	
Fines & Penalties	
other	
TOTAL	\$0 00

MONEY HELD IN TRUST

Passenger Processing Fees	
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GRAND TOTAL	\$24,771 71
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There are 2 unliquidated pre-petition entries which may liquidate with duty, fees, or other charges due the Customs Service per 19 CFR 159.1 thru 159.58

Hawaiian Airlines, Inc

SECURED**Drawback Duty**

Bill Number	Entry Number	Entry Date	Liquidation Date	Duty Due	Interest Due	Total Due
43852791	UI4-91400013	November 21, 2001	April 25, 2003	\$2,711 54	\$0 00	\$2,711 54

ESTIMATED LIQUIDATED DAMAGES

Failure to remit passenger processing fees which have been collected by a
 carrier gives rise to a claim for liquidated damages pursuant to C F R § 113.64(a)
 in the amount equal to two times the fees collected or the available bond liability,
 whichever is less. Based on the estimated unpaid fees described in this claim
 and the bond liability, Customs would have a claim for \$21,988.00. If the claim
 for fees is adjusted upon further review, or if the debtor's surety has made previous
 payments under the bond for the time periods in question, the claim for liquidated
 damages would change accordingly.

\$21,988 00

Hawaiian Airlines, Inc

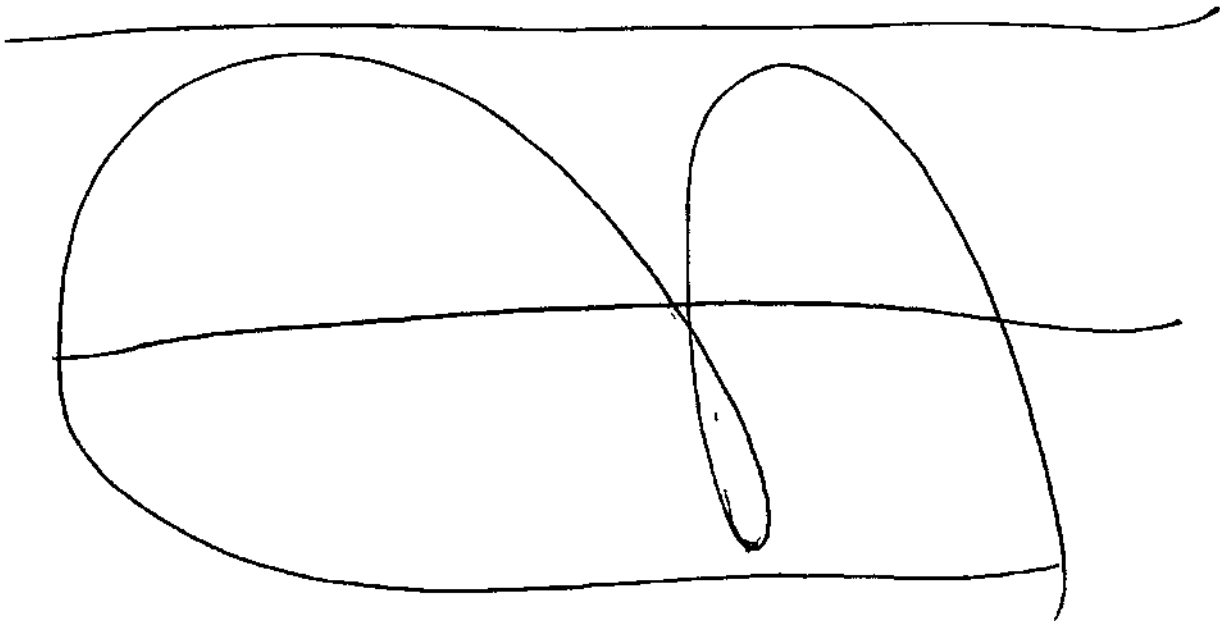
SECURED

**INTEREST DUE BECAUSE OF DEBTOR'S FAILURE TO TURN OVER PASSENGER PROCESSING FEES
HELD IN TRUST**

<u>Quarter Ending</u>	<u>Date Due</u>	<u>Pre-Petition Interest Due</u>
March 31, 2002	May 01, 2002	\$43 69
June 30, 2002	July 31, 2000	\$17 02
September 30, 2002	October 31, 2002	\$8 61
December 31, 2002	January 31, 2003	\$2 85
March 21, 2003		\$0 00
Total (interest) =		\$72 17

Hawaiian Airlines, Inc
UNLIQUIDATED ENTRIES

Entry Number	Entry Date	Port
427-11584195	June 6, 2002	Honolulu Int'l Airport, HI
UI4-91400021	November 6, 2001	New York, NY



UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII

FILED
U.S. BANKRUPTCY COURT
DISTRICT OF HAWAII

2005 JUN 28 PM 12:08

In re:

HAWAIIAN AIRLINES, INC.

Debtor

)
) Case No. 03-00817
) Chapter 11
) Hon Robert J. Faris
)

)
) FILED - 01005
) U S B C -DISTRICT OF HAWAII
) HAWAIIAN AIRLINES, INC
) 03-00817 (RJF)
)



DEPARTMENT OF TRANSPORTATION CHAPTER 11
ADMINISTRATIVE EXPENSE CLAIM

Pursuant to 11 U.S.C. § 503(a), the United States of America, on behalf of the Department of Transportation's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office), hereby files this request for payment of an administrative expense claim in the amount of \$500,000. In support of its claim the Enforcement Office states as follows:

- 1 Hawaiian Airlines, Inc ("Hawaiian" or "Debtor") filed a bankruptcy petition under Chapter 11 of the Bankruptcy Code on March 21, 2003.
2. Hawaiian is indebted to the U.S. Government for violating 49 U.S.C §§ 41310, 41702, 41705 and 41712, and 14 CFR Part 382 by failing to provide space to stow a passenger's standard-size folding wheelchair on its new aircraft with 100 or more passenger seats.
3. The Air Carrier Access Act (ACAA) (49 U.S.C § 41705) prohibits discrimination in the provision of air transportation against qualified individuals with disabilities. Another Federal statute prohibits unreasonable discrimination against individuals by airlines on flights between the U.S. and foreign points (49 U.S.C. § 41310). A separate

Original

provision of Federal law requires that U.S. air carriers provide safe and adequate transportation, which prohibits invidiously discriminatory practices on the part of U.S. air carriers generally in their domestic operations (49 U.S.C. § 41702). A Federal statute also prohibits unfair and deceptive trade practices and unlawfully discriminatory conduct in and of itself constitutes an unfair practice (49 U.S.C. § 41712).

4. The Department of Transportation (DOT) rule implementing the ACAA (14 CFR Part 382) requires, among other things, that all new aircraft “with 100 or more passenger seats shall have a priority space in the cabin designated for stowage of at least one folding wheelchair” (14 CFR 382.21(a)(2)). “New” aircraft are defined in Part 382 as aircraft that were ordered by a carrier after April 5, 1990, or delivered to a carrier after April 5, 1992. All of Hawaiian’s Boeing 717 and Boeing 767 aircraft are “new” under the regulation and are, therefore, required to contain a priority stowage space for a passenger’s folding wheelchair.
- 5 The DOT has indicated in a number of enforcement orders and when adopting 14 CFR Part 382 that the measurements for a standard-size folding wheelchair are 13 inches wide by 36 inches high by 42-50 inches long. The priority stowage space in the cabin of the aircraft must, at a minimum, be able to fit a standard-size passenger’s folding wheelchair.
- 6 Hawaiian did not have a priority stowage space for a passenger’s standard-size wheelchair from the time that the carrier acquired its Boeing 717s in 2001 and its Boeing 767s in 2002-03 until August 19, 2004, which is the

date that Hawaiian received confirmation from the Federal Aviation Administration that it was safe to use a seat stowage method to accommodate a passenger's standard-size folding wheelchair in the cabin of its aircraft.

7. The Enforcement Office has determined that Hawaiian could potentially be assessed a civil penalty in the amount of \$500,000 for the above described violations. Section 707(b) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Air-21; Pub. L. 106-181; 114 Stat. 61, April 5, 2000) amended 49 U.S.C. § 46301(a)(3) to apply a \$10,000 maximum civil penalty for each violation of the ACAA and for each day a violation continues. Vision 100 - Century of Aviation Reauthorization Act (Pub. L. 108-176; 117 Stat. 2440; December 12, 2003) increased the maximum civil penalty to \$25,000 for each violation of the ACAA occurring on or after December 12, 2003, and for each day a violation continues. Hawaiian and the Enforcement Office are in the process of negotiating a consent order to settle this matter.
8. The civil penalty amount has been determined based on violations of the ACAA that occurred after Hawaiian filed for bankruptcy on March 21, 2003.
9. The proposed penalty amount is an administrative expense under 11 U.S.C. § 503(b) and is entitled to priority payment under 11 U.S.C. § 507(a)(1).

10. This claim reflects the estimated liability of Hawaiian to the DOT for the violations related to the in-cabin stowage of a passenger's folding wheelchair. DOT reserves the right to amend this claim to assert subsequently discovered liabilities. The identification of any sums held subject to setoff is without prejudice to any other right under 11 U.S.C. § 553 to setoff, against this claim, debts owed to Debtor by this or any other agency
11. No judgment has been rendered on this claim.
12. All notices required to be mailed to the Enforcement Office in this action should be mailed to the undersigned.

Respectfully submitted,



Samuel Podberesky
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